

REMARKS

Claims 1-10, 13, 14, 17-19, 21, 24-27, 34, and 42-44 are pending. Claims 11, 12, 15, 16, 20, 22, 23, 28-33, and 35-41 are the canceled claims.

Claims 1-10, 13-19, and 21-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazarov et al. (6,110,204) in view of Shimada (JP 11-313884).

The Examiner correctly notes that Lazarov discloses TiN_xO_y compound disposed on a stent substrate. In fact, Lazarov teaches MN_xO_y , MN_x , MO_x , and MC as deposits on a stent surface -- M being erroneously designated as a group IVA metal, since Lazarov specifically lists group IVB metals such as titanium, zirconium, and hafnium as examples of group IVA metals. Applicants are in agreement with the Examiner about the teachings of Lazarov. Further, the Examiner correctly notes that Shimada teaches the use of a carbon deposit with a layer of diamond-like-carbon on a stent.

However, Applicants respectfully disagree with the Examiner that the teaching of Lazarov's TiN_xO_y can be combined with a reference teaching carbon to derive the use of a TiN_xC_y compound. As is grossly obvious to the Examiner, TiN_xC_y is a completely different compound than TiN_xO_y . The Examiner has provided no evidence why it would be obvious to one skilled in the art to substitute the oxygen for a carbon. The references alone or in combination fail to teach the use of TiN_xC_y . There is absolutely no hint, suggestion or motivation on the use of TiN_xC_y , whether the references are taken alone or in combination. Accordingly, independent claims 1, 9, 13, 26, 34, 43 and 44 are allowable over the combination of the cited references. The dependent claims are obviously allowable for at least the same reason.

With respect to independent claims 19 and 21, Lazarov and Shimada, alone or in combination, fail to teach the tri-region construct as claimed. More specifically, the ref-

erences fail to teach “first region having Ti or N implanted on a molecular or atomic level at a depth with at least a region of a surface of the stent, a second region over the first region having TiN implanted on a molecular or atomic level at a depth with at least a region of a surface of the stent and a layer of TiN_xO_y compound over the second region,” as recited by claim 21 and “implanting Ti or N into the surface of the stent on a molecular or atomic level, followed by implanting TiN over the Ti or N, and followed by forming a layer of a TiN_xO_y compound over at least some of the areas where TiN has been implanted,” as recited by claim 19. Accordingly, claims 19 and 21, as well as claims dependent thereon, are allowable over Lazarov in view of Shimada.

Incidentally, claims 19 and 21 are supported by Figure 2C2 and the description of Figure 2C2.

Applicants respectfully request removal of the rejections and submit that the pending claims are in condition for allowance. If I can be of any help, please contact me at the number below.

Respectfully submitted,

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Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0323

Cameron Kerrigan
Attorney for Applicants
Reg. No. 44,826